

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YOVANNY DOMINGUEZ AND ON BEHALF
OF ALL OTHER PERSONS SIMILARLY
SITUATED,

Plaintiffs,

- against -

FOOT LOCKER, INC.,

Defendant.

ORDER

19 Civ. 10628 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

On April 23, 2020, Judge Woods granted the defendant's motion to dismiss in a case presenting substantially the same legal issues. See Dominguez v. Banana Republic, LLC, 1:19-cv-10171-GHW, 2020 WL 1950496 (S.D.N.Y. Apr. 23, 2020). The plaintiff in that case has appealed, and the Second Circuit recently issued an order consolidating this appeal with several similar appeals, and confirming that an expedited briefing schedule will apply. See June 24, 2020 Order (Dkt. No. 32), Dominguez v. Banana Republic, LLC, No. 20-1559 (2d. Cir. 2020).

Accordingly, it is hereby ordered that this action is stayed pending resolution of the appeals in the Banana Republic and consolidated cases. Defendant's motion to dismiss is denied without prejudice to renewal once the appeals are resolved.

The parties are directed to file a joint status letter by September 1, 2020, or within seven days of a Second Circuit opinion, whichever occurs first. The Clerk of the Court is directed to terminate the motions (Dkt. Nos. 25, 28).

Dated: New York, New York
June 24, 2020

SO ORDERED.



Paul G. Gardephe
United States District Judge